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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10 (HONORABLE ANTHONY J. BATTAGLIA)

11
12 UNITED STATES OF AMERICA,) Case No.: 08MJ8008/08CR0207BEN
13 Plaintiff,)
14 vs.) EX PARTE MOTION TO REVOKE
15 FRANCISCO JAVIER HERNANDEZ-) MATERIAL WITNESS BOND OF
16 GUTIERREZ,) MARCOS ALONSO-DOMINGUEZ -
17 Defendant.) AND DECLARATION OF
18) ATTORNEY NEIL R. TROP IN
19) SUPPORT THEREOF
20)
21)
22)
23)
24)
25)

19 **DECLARATION**

20 Neil R. Trop declares under penalty of perjury as follows:

21 The defendant in this case was indicted on January 23, 2008. The action is
22 currently pending before the Honorable Roger T. Benitez

23 Material Witness Marcos Alonso-Dominguez was released on bond from the
24 custody of the United States Marshal into the custody of the Bureau of Immigration and
25 Customs Enforcement (hereinafter, "BICE") on February 12, 2008. The material witness

1 bond was approved by the Honorable Anthony J. Battaglia on February 12, 2008, the
2 duty magistrate on that date.

3 It was anticipated that the material witness would be released from BICE on his
4 own recognizance as is the usual custom in cases such as this one. On February 13, 2008,
5 the declarant was informed by El Centro BICE agent Federico Rodriguez that BICE had
6 information that Marcos Alonso-Dominguez is not a citizen of Mexico. Agent Rodriguez
7 stated that it is the policy within the El Centro sector to release only material witnesses
8 who are citizens of Mexico. Hence Marcos Alonso-Dominguez would not be released
9 from BICE custody. Agent Rodriguez requested that Marcos Alonso-Dominguez
10 therefore be transferred back into the custody of the United States Marshal. Mr. Alonso-
11 Dominguez maintains that he is a citizen of Mexico and that the contrary information in
12 the possession of BICE is faulty.

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14 **MOTION**

15 It is requested that the material witness bond posted on his behalf be revoked,
16 subject to reinstatement, pending further exploration of this matter and that Mr. Alonso-
17 Dominguez be transferred from BICE custody back into the custody of the United States
18 Marshal.

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22 DATED: 2/14/08

23 *Is/Neil R. Trop*

24 Neil R. Trop, Attorney for
25 Material Witness Marcos
Alonso-Dominguez